



ENDICOR.5CP1D1

CUSTOMER NO.: 20995

TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321

Applicant : Honeycutt et al.
Appl. No. : 09/737,165
Filed : December 14, 2000
For : ROTATIONAL ATHERECTOMY
DEVICE
Examiner : Kevin T. Truong
Group Art Unit : 3731

CERTIFICATE OF MAILING

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

November 17, 2004

(Date)

Sabin H. Lee, Reg. No. 43,745

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Empowerment of Attorney

Pursuant to 37 C.F.R. § 1.321(b) the undersigned attorney of record is empowered to act on behalf of the Assignee, EndiCOR Medical, Inc. ("Assignee"), by virtue of a Power of Attorney filed in the parent case and executed on May 21, 1999, a copy of which is attached.

11/23/2004 SZEWDIE1 00000014 09737165

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Right of Assignee and Ownership

In accordance with 37 C.F.R. § 3.73(b), Assignee represents that it is the owner of one-hundred percent interest in the above-identified application by virtue of an assignment recorded at Reel No. 009985, Frame No. 0960 by the Assignment Branch of the Patent and Trademark Office and of co-owned, co-pending, U.S. Patent Nos. 6,001,112 and 6,454,779, by virtue of an assignment recorded at Reel No. 009236, Frame No. 0193. The Assignee represents that, to the best of Assignee's knowledge and belief, title is in the Assignee seeking to take action.

Disclaimer by Assignee

Assignee, owner of one-hundred percent interest in the instant application, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of

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prior patents, U.S. Patent Nos. 6,001,112 or 6,454,779, as the term of those prior patents are defined in 35 U.S.C. § 154 and 173, and as the term of those prior patents are presently shortened by any terminal disclaimer. The Assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the Assignee does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154 and 173 of the prior patents, "as the term of the prior patent is presently shortened by any terminal disclaimer," in the event that the prior patents later: (1) expire for failure to pay a maintenance fee; (2) are held unenforceable; (3) are found invalid by a court of competent jurisdiction; (4) are statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321; (5) have all claims cancelled by reexamination certificate; (6) are reissued; or (7) are in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

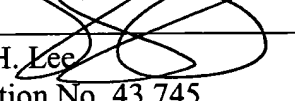
The undersigned is an attorney or agent of record and the attorney's registration number is set forth below the typed name.

This Terminal Disclaimer is accompanied by the \$110 fee set forth in 37 C.F.R. § 1.20(d).

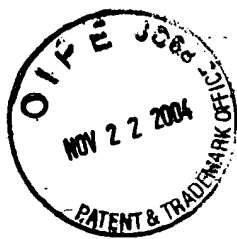
Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 11-17-04

By: 
Sabing H. Lee
Registration No. 43,745
Attorney of Record
Customer No. 20,995
(949) 760-0404

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COPY

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : John S. Honeycutt et al.)
App. No. : 09/260,199)
Filed : March 1, 1999)
For : ROTATIONAL ATHERECTOMY)
DEVICE)
Examiner : Unknown)

ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION
AND
REVOCAION AND POWER OF ATTORNEY

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). A true copy of the original Assignment of the above-captioned application from the inventor(s) to the Assignee is attached hereto. This Assignment represents the entire chain of title of this invention from the Inventor(s) to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, 620 Newport Center Drive, Sixteenth Floor, Newport Beach, California 92660, Telephone (949) 760-0404, Customer No. 20,995, as its attorneys with full power of substitution and

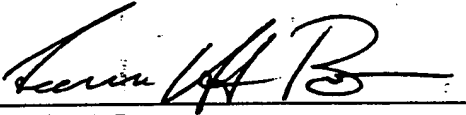
App. No. : 09/260,199
Filed : March 1, 1999

revocation to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected herewith. This appointment is to be to the exclusion of the inventor(s) and his attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please use **Customer No. 20,995** for all communications.

EndiCOR Medical, Inc.

Dated: 5/21/99

By: 
Louis H. Bunn

Title: Chief Financial Officer

Address: 1041 Calle Trepadora
San Clemente, CA 92673

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